

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 28, 2005
SAN FRANCISCO, CALIFORNIA**

S054774

PEOPLE v. TAYLOR (KEITH DESMOND)

Extension of time granted

to February 6, 2006 to file appellant's opening brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing that brief by February 5, 2006.

S082915

PEOPLE v. EUBANKS (SUSAN D.)

Extension of time granted

to February 21, 2006 to file appellant's opening brief.

S124660

RENO ON H.C.

Extension of time granted

to January 23, 2006 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Peter Giannini representation that he anticipates filing that document by February 20, 2006.

S128442

G031061 Fourth Appellate District,
Division Three

PEOPLE v. WRIGHT

Extension of time granted

on application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's reply brief on the merits is hereby extended to and including January 23, 2006. No further extensions of time are contemplated.

S130080
H026000 Sixth Appellate District

PEOPLE v. TRUJILLO
Extension of time granted

to January 20, 2006 to file defendant and
appellant's reply brief on the merits.

S130501

THOMPSON (HAROLD) ON H.C.
Extension of time granted

to December 30, 2005 to file petitioner's reply
to the informal response.

S134243
B170355 Second Appellate District,
Division Six

PEOPLE v. THOMA
Extension of time granted

on application of appellant and good cause
appearing, it is ordered that the time to serve
and file the opening brief on the merits is
extended to January 6, 2006.

S134253
A108488 First Appellate District,
Division Three

INTERNATIONAL FEDERATION OF
PROFESSIONAL & TECHNICAL ENGINEERS v.
S.C. (CONTRA COSTA NEWSPAPERS)
Extension of time granted

on application of both parties, and good cause
appearing, it is ordered that the time to serve
and file a Consolidated Response to All Amicus
Curiae Briefs is hereby extended to
January 11, 2006.

S134873
A106618 First Appellate District,
Division Two

HEBREW ACADEMY OF SAN FRANCISCO v.
GOLDMAN
Extension of time granted

on application of appellants and good cause
appearing, it is ordered that the time to serve
and file the Appellants' Answer Brief on the
Merits is extended to January 13, 2006.

S134901

F045226 Fifth Appellate District

PEOPLE v. S.C. (VIDAL)

Extension of time granted

to January 30, 2006 to file petitioner's answer
brief on the merits.

S137389

WILLIAMS (BOB) ON H.C.

Extension of time granted

to January 23, 2006 to file the informal response
to the petition for writ of habeas corpus. After
that date, only one further extension totaling
about 30 additional days will be granted.
Extension is granted based upon Deputy
Attorney General Craig S. Meyers's
representation that he anticipates filing that
document by February 22, 2006.

S139602

G034640 Fourth Appellate District,
Division Three

RLH INDUSTRIES v. SBC COMMUNICATIONS

Extension of time granted

on application of appellant and good cause
appearing, it is ordered that the time to serve
and file the answer to the petition for review is
hereby extended to January 6, 2006.

S129463

B161549 Second Appellate District,
Division Two

CITY OF HOPE NATIONAL MEDICAL CENTER v.
GENENTECH INC.

Order filed

on application of appellant for permission to file
reply brief on the merits containing 11,977
words, that exceeds the 4200 word limit
prescribed by California Rules of Court rule
29.1(c)(1) by 7,777 words is hereby granted.

B185520

PEOPLE v. ROEL

Transferred from CA, Second Appellate District,
Division Seven to Division Five.

B185618

PEOPLE v. OBESO

Transferred from CA, Second Appellate District,
Division Five to Division Seven.

S137099

SULLIVAN ON DISCIPLINE

Order filed

Due to an error by the State Bar, the order filed November 21, 2005, in the captioned matters is vacated.

Instead, it is ordered that **TIMOTHY GRADY SULLIVAN, JR., State Bar No. 127833**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 75 days and until he makes restitution to Adrian LaPointe (or the Client Security Fund, if appropriate) in the amount of \$12,000.00 plus 10% per annum from February 9, 2004, and furnishes satisfactory proof thereof to the State Bar Office of Probation, as recommended by the Hearing Department of the State Bar Court in its decision filed May 26, 2005, as modified by its order filed July 20, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of respondent's actual suspension, whichever is

longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138176

STONE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOSEPH F. STONE, State Bar No. 120243**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed on August 30, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

S138193

PIRO ON DISCIPLINE

Recommended discipline imposed

It is ordered that **FRANK JOHN PIRO, State Bar Number 75405**, be suspended from the practice of law in the State of California for three years, that execution of the three-year suspension be stayed, and that he be placed on probation for

four years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 8, 2005. Piro is ordered to take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar, and one-half of those costs must be added to and made a part of Piro's annual State Bar membership fees for the years 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

S138194**SMITH ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **LAWRENCE GORDON SMITH, State Bar No. 83901**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year, as recommended by the Hearing Department of the State Bar Court in its decision filed August 29, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California

Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S138196

MOORE ON DISCIPLINE

Recommended discipline imposed

It is ordered that **PATSY V. MOORE, State Bar No. 193933**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 15, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar, and one-half of those costs must be added to and made a part of Moore's annual State Bar membership fees for the years 2007 and 2008. (Bus. & Prof. Code, § 6086.10.)

S138271

STOVER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ROBERT H. STOVER, State Bar No. 202725**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in

its order approving stipulation filed on September 23, 2005. Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

S138272

DAVIS ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **BRET JAY DAVIS, State Bar No. 159076**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Bret Jay Davis is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S138274

VALLEY ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **DAVID RUSSELL VALLEY, State Bar No. 178013**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138276

WULFSBERG ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **DAVID EINAR WULFSBERG, State Bar No. 40346**, be disbarred from the practice of law and that his

name be stricken from the roll of attorneys. David Einar Wulfsberg is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138279

COVER ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **ERIC A. COVER, State Bar No. 183959**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Eric A. Cover is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138280

BRUNO ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOHN PASQUALE BRUNO, State Bar No. 32822**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to Ramiro Rivera (or the Client Security Fund, if appropriate) in the amount of \$2,000 plus 10% interest per annum from April 29, 2003, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on August 16, 2005; and until the State Bar Court grants a motion to terminate his actual suspension

pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S138282

RAINERI ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JOSEPH CHARLES RAINERI, State Bar No. 136192**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days and until he makes restitution to: (1) Jumnonng Shugan (or the Client Security Fund, if appropriate) in the amount of \$3,500.00 plus 10% interest per annum from September 9, 2003, and (2) Shawn Storm (or the Client Security Fund, if appropriate) in the amount of \$400.00 plus 10% interest per annum from January 1, 2005, and furnishes satisfactory proof thereof to the

Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on August 29, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Joseph Charles Raineri is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If Joseph Charles Raineri is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that Joseph Charles Raineri take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138285

PARKER ON DISCIPLINE

Recommended discipline imposed

It is ordered that GREGG ALAN PARKER, State Bar No. 96564, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed

on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 14, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code § 6086.10 and payable in accordance with Business and Professions Code § 6140.7.

S138287**NUSBAUM ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ROBERT MICHAEL NUSBAUM, State Bar No. 149672**, be suspended from the practice of law for five years and until he makes restitution to Anne E. Stilwagen(or the Client Security Fund, if appropriate) in the amount of \$2,000.00 plus 10% interest per annum from July 15, 2003, and furnishes satisfactory proof thereof to the State Bar's Office of Probation; and until he complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Robert Michael Nusbaum is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 15, 2005. It is also ordered that Robert Michael Nusbaum take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar*

(1976) 15 Cal.3d 878, 891, fn. 8.) Robert Michael Nusbaum is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2007, 2008 and 2009. (Bus. & Prof. Code § 6086.10.)

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S138288

SCHOLZ ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ERIC W. SCHOLZ, State Bar No. 142357**, be suspended from the practice of law for three years and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he complies with standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, as set forth above. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed on August 11, 2005. Credit toward the period of actual suspension must be given for the period of involuntary inactive enrollment which commenced on November 20, 2004. Costs are awarded to the State Bar in accordance with Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7.